

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: PATENT APPLICATION of:

Inventor(s): Dusch et al.

Appln. No.: 09 456,306

Series Code ↑ Serial No. ↑

Filed: December 8, 1999

Title: Novel nucleotide sequences coding for the poxB gene

Group Art Unit 1652

Examiner: Steadman, D.

Atty. Dkt. PM 265182

990159 BT

M#

Client Ref

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EDO NOT USE FOR PROVISIONAL,
DIVISIONAL, CIP OR DESIGN
APPLICATIONS, OR REEXAMINATION
PATENTS

Date: November 15, 2001

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER RULE 114

Please continue the examination of this application.

PREREQUISITESThis application was filed on/after June 8, 1995, is not abandoned, and no court action has been filed, or if filed, it has been terminated.An issue fee **has not been** paid (unless a petition under Rule 313(c)(2) is also being filed -- see item 4 below).**Prosecution has been closed as defined in Rule 114(b).****Reply to any outstanding action and Rule 17(e) filing fee must be enclosed**

This application is entitled under Rule 114 to withdrawal of any outstanding finality or of any allowance plus a new action by the Examiner. Consideration on the merits of each submission (e.g., IDS, Amendment, new arguments, new evidence, but not appeal/reply briefs themselves) filed herewith is respectfully requested.

Please consider the following before the next Official Action:

1. Please ☐ enter ☐ do not enter the Amendment filed _____
2. ☒ The enclosed new Amendment
3. ☐ Consider the arguments in the appeal brief filed _____ and reply brief filed _____
4. ☐ The issue fee has been paid, but this RCE is based on Rule 313(c)(2). See enclosed petition.
5. ☒ The enclosed Information Disclosure Statement
☒ IDS Letter ☐ Cited Appln ☐ Foreign Search Report/OA
☒ PTO-1449 ☒ Cited Documents
6. ☐ Please suspend action under Rule 103(c) for a period of _____ months (3 mos. Max) for which the required \$130 fee is enclosed
7. The required RCE filing fee of \$740/\$370 is attached (per PAT-120)

(Our Deposit Account No. 03-3975)

(Our Order No. 21123 / 265182)

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NOTE: Enter Rule 17(e) filing fee on PAT-120 for it**Cannot be deferred!****NO CLAIMS FEE REQUIRED**

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.Pillsbury Winthrop LLP
Intellectual Property Group

11/16/2001 JADD01

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By Atty: Michael A. Sanzo

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NOTE: File this Request (plus enclosures, if any) with cover sheet (PAT-120) in duplicate and with PTO receipt (PAT-103A)

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PATENT APPLICATION
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